

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

NORINE LEIHUANANI JOAQUIN,)	Civ. No. 18-00161 SOM-RLP
)	
Plaintiff,)	ORDER DENYING APPLICATION TO
)	PROCEED IN DISTRICT COURT
v.)	WITHOUT PREPAYING FEES OR
)	COSTS AND DISMISSING
ALOHA AUTO GROUP LTD.,)	COMPLAINT
)	
Defendants.)	
_____)	

**ORDER DENYING APPLICATION TO PROCEED IN DISTRICT COURT
WITHOUT PREPAYING FEES OR COSTS AND DISMISSING COMPLAINT**

Plaintiff Norine Leihuanani Joaquin has filed a Complaint for a Civil Case Alleging Breach of Contract, accompanied by an Application To Proceed in District Court Without Prepaying Fees or Costs. The court dismisses the Complaint for lack of jurisdiction and accordingly denies the Application as moot.

A federal district court has subject matter jurisdiction over a case if either a complaint raises a federal question or the case satisfies the requirements for diversity jurisdiction. Joaquin's Complaint lists a Plaintiff and a Defendant and refers to a breach of contract in its title, but otherwise is entirely lacking in factual allegations concerning the nature of the dispute. The court therefore cannot discern any federal question from the Complaint and is left with

diversity jurisdiction as the only ground on which to exercise jurisdiction.

Unfortunately for Joaquin, the Complaint describes both Plaintiff and Defendant Aloha Auto Group, Ltd., as citizens of the State of Hawaii. To qualify for diversity jurisdiction, the case must be one between "citizens of different States" or involve a foreign state or a citizen of a foreign state. See 28 U.S.C. § 1331(a). No foreign state or citizen of a foreign state is named in the Complaint, and the named parties are described as being citizens of the same state. The Complaint thus defeats any attempt to show diversity of citizenship. Moreover, diversity of citizenship jurisdiction exists only if "the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs." *Id.* The Complaint does not indicate the nature of the breach of contract or state any amount in controversy.

Because this court lacks subject matter jurisdiction over this matter, the court dismisses the Complaint and denies the Application as moot. No later than May 24, 2018, Joaquin may file an Amended Complaint and submit a new Application if she believes she can satisfy the requirements for federal jurisdiction. Failure to meet this deadline will result in the automatic dismissal of this case. If Joaquin cannot meet the requirements for federal jurisdiction, she may want to consider

filing her action in state court, although this court, in so indicating, is not suggesting that this court is in a position to know whether Joaquin has a colorable state claim.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii; May 3, 2018.



/s/ Susan Oki Mollway
Susan Oki Mollway
United States District Judge

Norine Leihuanani Joaquin v. Aloha Auto Group LTD.
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